

**Nancy Vandercook Reciprocal Right-of-Way Agreement and Permit  
Environmental Assessment, Finding of No Significant Impact, and  
Decision Record**

Environmental Assessment Number OR-080-08-02

December 27, 2007

United States Department of the Interior  
Bureau of Land Management  
Oregon State Office  
Salem District  
Marys Peak Resource Area

Township 12 South, Range 11 West, Section 17, Willamette Meridian  
Beaver Creek-Waldport Bay Watershed  
Benton County, Oregon

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Abstract: This environmental assessment (EA) discloses the predicted environmental effects of an agreement and permit to provide legal access to intermingled public and Nancy Vandercook owned lands for the purposes of forest management and the removal of timber and other forest products in the vicinity of Waldport, Oregon. The actions will occur within Matrix Land Use Allocation (LUA).

As the Nation's principal conservation agency, the Department of Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering economic use of our land and water resources, protecting our fish and wildlife, preserving the environmental and cultural values of our national parks and historical places, and providing for the enjoyment of life through outdoor recreation. The Department assesses our energy and mineral resources and works to assure that their development is in the best interest of all people. The Department also has a major responsibility for American Indian reservation communities and for people who live in Island Territories under U.S. administration.

## Environmental Assessment, Finding Of No Significant Impact, And Decision Record

**Type of Project:** Reciprocal Right-of-Way Agreement and Permit.

**Location of Proposed Action:** Public lands located in NW¼ SE¼, Section 17, Township 12 South, Range 11 West, Willamette Meridian. Vandercook lands located in NE¼ SW¼, Township 12 South, Range 11 West, Section 17, Willamette Meridian.

**Conformance with Land Use Plans, Policies, and Programs:** The proposed action is in conformance with the following documents:

- *Salem District Record of Decision and Resource & Management Plan (RMP)*, dated May 1995 (pp.57: topic: amending existing reciprocal right-of-way agreements;
- *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and Standard and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl*, dated April, 1994;
- *Final Supplement to the 2004 Supplemental Environmental Impact Statement to Remove or Modify The Survey and Manage Mitigation Measure Standards and Guidelines from Bureau of Land Management Resource Management Plans Within the Range of the Northern Spotted Owl*, dated July 2007.

The analysis in this Environmental Assessment (EA) is site-specific and supplements analyses found in the *Salem District Proposed Resource Management Plan/Final Environmental Impact Statement*, September 1994 (RMP/FEIS). The RMP/FEIS includes the analysis from the *Final Supplemental Environmental Impact Statement on Management of Habitat for Late-Successional and Old-Growth Forest Related Species within the Range of the Northern Spotted Owl*, February 1994 (NWFP/FSEIS).

The above documents are incorporated by reference and are available at the Salem District Office.

The proposed action is located within the coastal zone as defined by the Oregon Coastal Management Program. This proposal is consistent with the objectives of the program, and the State planning goals which form the foundation for compliance with the requirements of the Coastal Zone Act.

Management actions/directions found in the RMP were determined to be consistent with the Oregon Coastal Management Program.

### Survey and Manage Review

The Bureau of Land Management (BLM) is aware of the August 1, 2005, U.S. District Court order in *Northwest Ecosystem Alliance et al. v. Rey et al.* which found portions of the *Final Supplemental Environmental Impact Statement to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines* (January, 2004) (EIS) inadequate. Subsequently in that case, on January 9, 2006, the court ordered:

- set aside the 2004 Record of Decision *To Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines in Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern spotted Owl* (March, 2004) (2004 ROD) and
- reinstate the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measure Standards and Guidelines*

(January, 2001) (2001 ROD), including any amendments or modifications in effect as of March 21, 2004.

The BLM is also aware of the November 6, 2006, Ninth Circuit Court opinion in Klamath-Siskiyou Wildlands Center et al. v. Boody et al., No. 06-35214 (CV 03-3124, District of Oregon). The court held that the 2001 and 2003 Annual Species Reviews (ASRs) regarding the red tree vole are invalid under the Federal Land Policy and Management Act (FLPMA) and National Environmental Policy Act (NEPA) and concluded that the BLM's Cow Catcher and Cotton Snake timber sales violate federal law.

This court opinion is specifically directed toward the two sales challenged in this lawsuit. The BLM anticipates the case to be remanded to the District Court for an order granting relief in regard to those two sales. At this time, the ASR process itself has not been invalidated, nor have all the changes made by the 2001-2003 ASR processes been vacated or withdrawn, nor have species been reinstated to the Survey and Manage program, except for the red tree vole. The court has not yet specified what relief, such as an injunction, will be ordered in regard to the Ninth Circuit Court opinion. Injunctions for NEPA violations are common but not automatic.

“On July 25, 2007, the Under Secretary of the Department of Interior signed a new Survey and Manage Record of Decision (Record of Decision To Remove the Survey and Manage Mitigation Measure Standards and Guidelines from Forest Service Land and Resource Management Plans Within the Range of the Northern Spotted Owl) that removed the survey and manage requirements from all of the BLM resource management plans (RMPs) within the range of the northern spotted owl. In any case, I have designed this project to be consistent with the 2001 Survey and Manage ROD as modified by subsequent annual species reviews as allowed by the modified October 11, 2006 injunction.”

### **Compliance with the Aquatic Conservation Strategy**

On March 30, 2007, the District Court, Western District of Washington, ruled adverse to the U. S. Fish and Wildlife Service (USFWS), National Oceanic and Atmospheric Administration (NOAA-Fisheries) and USFS and BLM (Agencies) in *Pacific Coast Fed. of Fishermen's Assn. et al v. Natl. Marine Fisheries Service, et al and American Forest Resource Council*, Civ. No. 04-1299RSM (W.D. Wash)(PCFFA IV). Based on violations of the Endangered Species Act (ESA) and the National Environmental Policy Act (NEPA), the Court set aside:

The USFWS Biological Opinion (March 18, 2004 ),

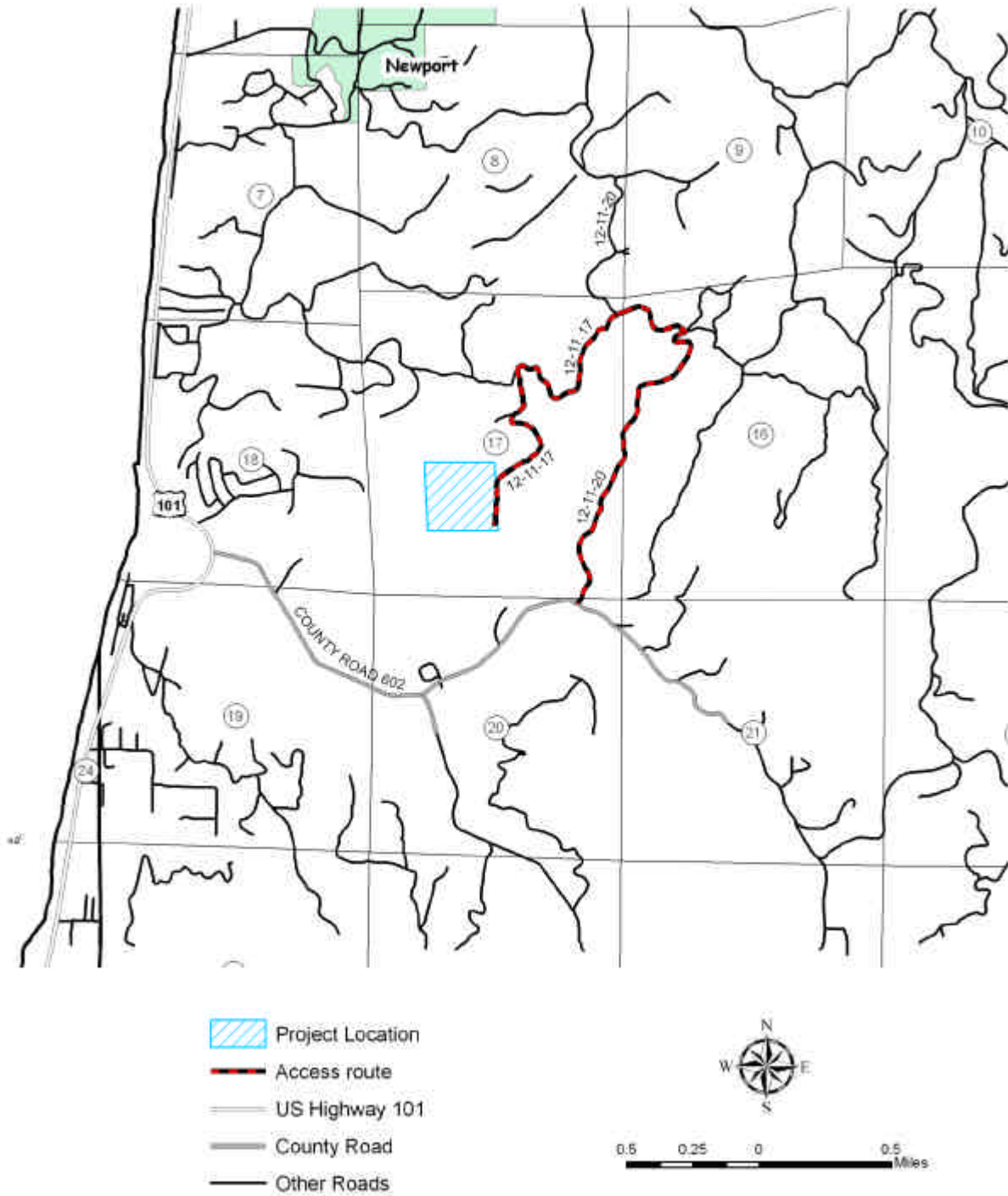
The NOAA-Fisheries Biological Opinion for the ACS Amendment (March 19, 2004),

The ACS Amendment Final Supplemental Environmental Impact Statement (FSEIS) (October 2003), and

The ACS Amendment adopted by the Record of Decision dated March 22, 2004.

Previously, in *Pacific Coast Fed. Of Fishermen's Assn. v. Natl. Marine Fisheries Service*, 265 F.3d 1028 (9th Cir. 2001)(*PCFFA II*), the United States Court of Appeals for the Ninth Circuit ruled that because the evaluation of a project's consistency with the long-term, watershed level ACS objectives could overlook short-term, site-scale effects that could have serious consequences to a listed species, these short-term, site-scale effects must be considered. The EA (pp. 11-12) shows how the Vandercook ROW Amendment meets the Aquatic Conservation Strategy in the context of PCFFA IV and PCFFA II.

United States Department of the Interior  
BUREAU OF LAND MANAGEMENT  
**VANDERCOOK LOCATION MAP**  
T. 12 S., R. 11 W. - SALEM DISTRICT - OREGON



October 15, 2007

**Purpose of and Need for Action:** The purpose of the project is to provide legal access to intermingled public and Nancy Vandercook owned lands for the purposes of forest management and the removal of timber and other forest products. Regulations at 43 CFR 2812.3-1 allow the Authorized Officer to require reciprocal access across Permittee's land as a condition precedent to granting access across public lands. The United States has identified Permittee land necessary to provide access to 40 acres of public land in the vicinity of Waldport, Oregon. The new agreement and permit are needed for the following reasons:

- Nancy Vandercook requires access across certain public lands for forest management and the removal of timber and other forest products.
- The United States requires access to certain public land adjacent to certain Vandercook owned lands.
- Regulations at 43 CFR 2812.0-6 state that it is the policy of the United States to enter into reciprocal right-of-way agreements and permits to benefit the management of intermingled public and private timber lands.

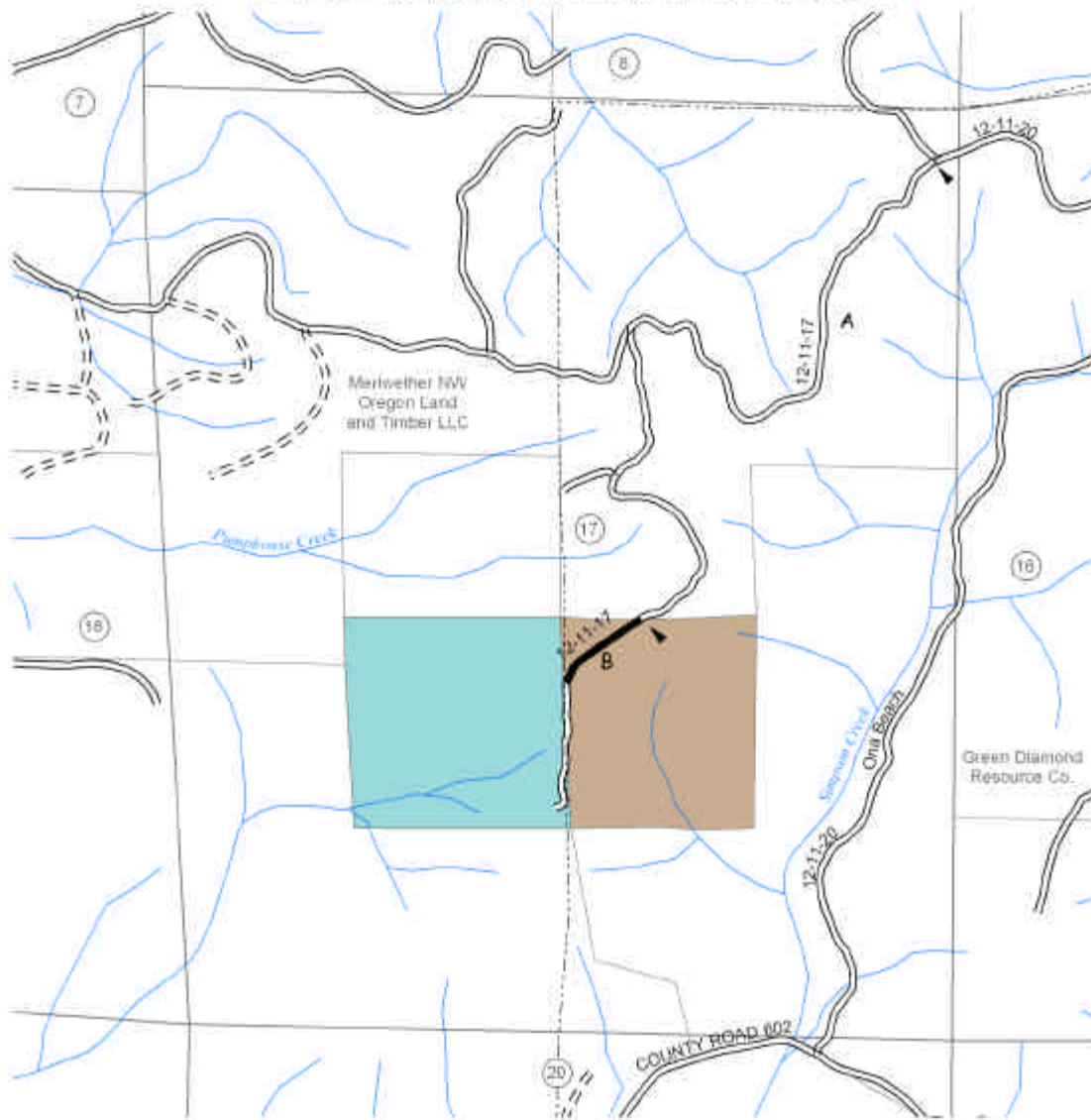
**Description of the Proposed Action:**

The proposed action is for the United States to enter into a new reciprocal right-of-way agreement and permit with Nancy Vandercook. The public lands and road easement rights acquired by the United States and the Nancy Vandercook owned lands (see EA Map) will be committed to the new right-of-way agreement. Approximately 525 feet of Road #12-11-17 segment B on United States lands will be improved and used by Nancy Vandercook in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 17, Township 12 South, Range 11 West, to the property line.

The United States will reserve the right to use or construct road on Vandercook land in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 17, Township 12 South, Range 11 West, Willamette Meridian.

# VANDERCOOK RWA EA MAP

T. 12 S., R. 11 W., Section 17, W. M. - SALEM DISTRICT - OREGON



----- Powerline

**B** Segment

◄ Segment Break

———— BLM controlled road to be improved

Teal Box Nancy Vandercook lands prepared for incorporation into RWA S-1201

Brown Box BLM lands prepared for incorporation into RWA S-1201

==== Existing Road

- - - Jeep or Dirt Road

November 29, 2007

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. Data was compiled from multiple sources and may not meet U.S. National Mapping Accuracy Standard of the Office of Management and Budget.



1,000 500 0 1,000 Feet

## *Design Features:*

### Existing Road Improvement

- All activities will comply with the Best Management Practices for Road Improvement (RMP pp.C-5 - C-6).
- A minimum 8” lift of crushed rock shall be placed on Road 12-11-17 Segment B.
- Seven trees located within the existing posted right-of-way (ROW) will be cut, decked and removed.
- Maintain adequate rock on road surface to prevent subsurface materials from working their way to the surface (pumping) during use.
- Grass seed all exposed soil by September 15 of the same year as improved. Certified weed free, Oregon Blue Tag, Festuca Rubra seed will be used.
- The slash created from clearing the road improvement will be piled and covered for burning or removed from the site and placed at a suitable location on private land.

### For all slash to be piled the following general guidelines apply:

- All slash created by this operation will be piled with a hydraulic loader or by hand. In order to reduce the amount of material to be burned, suitable firewood material close to the road will be separated and set aside in accessible areas adjacent to the road and made available to the public. Large cull or rotten material will be kept out of piles by leaving it or placing it in suitable locations in the forest, (to serve as coarse woody debris).
- Piles will generally be kept at least 10 feet away from reserve trees and snags, the further away the better. Piles will not be located on top of large stumps or logs.
- The maximum width of piles shall not be more than one and one half times the height. Prior to covering, all slash protruding beyond the average contours of the pile that may interfere with proper placement of the plastic covering, shall be cut off or repositioned to allow for efficient placement of the plastic covering.
- In the late summer before the onset of fall rains, 4 mil thickness or heavier black polyethylene plastic would be placed over the piles. The plastic must be sufficiently sized and placed to provide coverage of 80 percent of the pile. The plastic must be secured in such a way that it will not lift up or come off during windy conditions.
- In the fall, after sufficient wetting rainfall has occurred and risk of strong East winds is low, the piles will be burned under favorable “good mixing” weather conditions in coordination and compliance with the Oregon Smoke Management Plan. If practical, the plastic covering will be removed prior to burning and re-used or disposed of in accordance with Oregon DEQ regulations.
- When ever possible alternative waste recycling of slash material will be encouraged. This may be: providing firewood to the public, chipping for co-gen power production, chipping for soil amendments, soil protection, etc.



## Timber Hauling

- No log hauling on native surface roads will be allowed to minimize potential sediment transport to aquatic habitat.
- Where surface water flow could occur, construct drivable water bars after completion of timber haul.
- The United States will retain discretionary authority to limit the season of haul should any endangered species be found occupying the affected lands.

## **Consultation and Public Involvement:**

### *ESA consultation:*

**Wildlife:** The proposed action, (new right-of-way authorization), includes language preserving the Bureau's authority to initiate Section 7 Consultation under the ESA on future permittee uses or the rights granted, and to condition, restrict, or deny such uses in order to promote the conservation of federally listed species. Therefore, this action is covered under the following biological opinion for programmatic consultation regarding right-of-way authorizations; *Biological Opinion for Effects to Bald Eagles, Northern Spotted Owls and Marbled Murrelets from the Bureau of Land Management, Eugene and Salem Districts, for the FY 2004-2008 Right-of-Way Authorizations* (USFWS Reference Number 1-7-04-F-0253, June 18, 2004).

**Fish:** The National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS) determined that the Oregon Coast coho salmon Evolutionarily Significant Unit (*Oncorhynchus kisutch*) did not warrant listing as threatened or endangered under the Endangered Species Act (ESA), as amended. No consultation is required under Section 7 of the ESA at this time, as no listed fish species are known to occur in the action area associated with this proposed project.

The Salem District is aware of ongoing litigation filed by Trout Unlimited et al. v. Lohn on June 27, 2006 related to the decision by the NMFS not to list Oregon Coast coho salmon under the ESA. The BLM is aware of the District Court findings remanding the delisting and directing NMFS to review OC coho status. Recently NOAA determined that the species should be considered proposed for listing, as the previous delisting determination was found to be arbitrary and capricious. Due to proposed status, BLM guidance is to consult on all actions that may adversely affect the listed species. The proposed action is highly unlikely to result in any effects to the proposed species or its habitat, therefore consultation will not be necessary.

Protection of Essential Fish Habitat (EFH), as described by the Magnuson/Stevens Fisheries Conservation and Management Act, and consultation with NOAA NMFS is required for all projects which may adversely affect EFH of Chinook or coho salmon in the action area. Due to topography and distance there appears to be no avenues for effects connecting the proposed action to EFH. Thus, no consultation with NOAA NMFS on EFH is required for this project. Actions and effects beyond the scope of the analysis provided will require additional review and potentially result in the need to consult with NOAA NMFS.

### *Public Involvement:*

In compliance with the National Environmental Policy Act, a letter dated October 17, 2007, was sent to 14 potentially affected and/or interested individuals, groups, and agencies. No comment letter(s) was received.

### **Review of the Elements of the Environment:**

The interdisciplinary team reviewed the elements of the environment, required by law, regulation, Executive Order and policy, to determine if they will be affected by the proposed action. *Table 1* (Critical Elements of the Environment from BLM H-1790-1, Appendix 5) and *Table 2* (Other Elements of the Environment) summarize the results of that review. Affected elements are **bold**. Unless otherwise noted, the effects apply to the proposed action; and the No Action Alternative is not expected to have adverse effects to these elements.

<i>Table 1: Environmental Review for the Critical Elements of the Environment (BLM H-1790-1, Appendix 5)</i>			
<i>Critical Elements Of The Environment</i>	<i>Status: (i.e., Not Present, Not Affected, or Affected)</i>	<i>Does this project contribute to cumulative effects? Yes/No</i>	<i>Remarks</i>
<b>Air Quality (Clean Air Act)</b>	<b>Affected</b>	<b>No</b>	<b>Addressed in text (pp. 10 - 11).</b>
Areas of Critical Environmental Concern	Not Present	No	
Cultural, Historic, Paleontological	Not Affected	No	No pre-project survey is required as outlined in the <i>Protocol for Managing Cultural Resources on Land Administered by the Bureau of Land Management in Oregon; Appendix D - "Coast Range Inventory Plan (August 1998).</i>
Energy (Executive Order 13212)	Not Affected	No	There are no known energy resources located in the project areas. The proposed action will have no effect on energy development, production, supply and/or distribution.
Environmental Justice (Executive Order 12898)	Not Affected	No	The proposed action is not anticipated to have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.
Prime or Unique Farm Lands	Not Present	No	
Flood Plains (Executive Order 11988)	Not Present	No	
Hazardous or Solid Wastes	Not Present	No	
<b>Invasive, Nonnative Species (Executive Order 13112)</b>	<b>Affected</b>	<b>No</b>	<b>Addressed in text (pp. 8 - 9).</b>
Native American Religious Concerns	Not Affected	No	No new ground disturbance is anticipated. Past projects of this type within this area have not resulted in tribal identification of concerns.
Threatened or Endangered (T/E) Species or Habitat	Fish	Not Present	No
	Plants	Not Present	No
	Wildlife (including designated Critical Habitat)	Not Affected	No
<b>Water Quality (Surface and Ground)</b>	<b>Affected</b>	<b>No</b>	<b>Addressed in text (p. 9).</b>
Wetlands (Executive Order 11990)	Not Affected	No	The proposed action will not impact wetlands located on BLM managed lands.
Wild and Scenic Rivers	Not Present	No	
Wilderness	Not Present	No	

*Table 2: Environmental Review for the Other Elements of the Environment (Required by law, regulation, policy or management direction)*

<i>Other Elements Of The Environment</i>		<i>Status: (i.e., Not Present, Not Affected, or Affected)</i>	<i>Does this project contribute to cumulative effects? Yes/No</i>	<i>Remarks</i>
<b>Fire Hazard/Risk</b>		<b>Affected</b>	<b>No</b>	<b>Addressed in text (pp. 10 - 11).</b>
Other Fish Species with Bureau Status and Essential Fish Habitat		Not Affected	No	Due to topography and distance there appears to be no avenues for effects connecting the proposed action to EFH. Thus, no consultation with NOAA NMFS on EFH is required for this project.
<b>Land Uses (right-of-ways, permits, etc)</b>		<b>Affected</b>	<b>No</b>	<b>Public and Nancy Vandercook lands and existing roads will be included within a new reciprocal RWA.</b>
<b>Late successional/old growth habitat</b>		<b>Affected</b>	<b>No</b>	<b>Addressed in text (p. 8).</b>
Mineral Resources		Not Present	No	
Recreation		Not Affected	No	There are no established recreational sites or uses that will be impacted as a result of the proposed action.
Rural Interface Areas		Not Present	No	
<b>Soils</b>		<b>Affected</b>	<b>No</b>	<b>Addressed in text (pp. 8 - 9).</b>
Special Areas outside ACECs (Within or Adjacent) (RMP pp. 33-35)		Not Present	No	
Other Special Status Species / Habitat (including Survey and Manage)	Plants	Not Affected	No	There are no known sites of any special status vascular plant, lichen, bryophyte or fungi species within the existing right-of-ways or adjacent the proposed project area.
	Wildlife	Not Affected	No	There are no known sites of any bureau special status species. The seven trees to be cut adjacent to the road were surveyed for red tree vole nests and no nests were found.
Visual Resources		Not Affected	No	The project area is located in VRM IV class which allows major modifications of the character of landscapes.
Water Resources (except Water Quality)		Not Affected	No	Additional water resources are not likely to be affected by implementing a right of way agreement along existing road segments or potential new road construction.
Wildlife Structural or Habitat Components – Other (Snags /CWD/Special Habitats, road densities)		Not Affected	No	The seven green trees to be cut adjacent to the road do not provide any unique structural component.

## **Affected Environment and Environmental Impacts:**

**General:** The proposed project will occur within Beaver Creek-Waldport Bay 5<sup>th</sup> field watershed. Land Use Allocation for the BLM managed land involved within the proposed action is Matrix. The project area is shown on the EA Map and includes the following BLM road: Road #12-11-17 Segment B.

The major plant grouping as listed in the Salem District Proposed Resource Management Plan/Final Environmental Impact Statement (V.1, chapter 3, pp. 29-32) is the Douglas-fir/Red Alder/Salmonberry grouping which occurs on the west slopes of the Oregon Coastal Mountains. The project area is mostly an existing right-of-way and the areas proposed to be re-aligned are mostly dominated by Sitka spruce, Douglas-fir and salal.

### ***Wildlife:***

#### **Affected Environment**

The forty acre stand of BLM managed forest to be added to the proposed new right-of-way agreement is isolated from other BLM managed forests and completely surrounded by private lands. There is no known bald eagle, northern spotted owl, or marbled murrelet sites within this stand of late-seral (147 year old) habitat. This stand will never provide interior late-seral/old-growth wildlife habitat due to its small size and location on the landscape.

In order to improve the existing road for timber hauling, seven trees adjacent to the BLM controlled road will need to be removed. These trees may provide habitat for the red tree vole.

#### **Environmental Effects**

The direct impact of this action will have no effect on listed wildlife species since no new road construction is required or expected. The trees to be removed for road improvement do not provide any unique structural component to the stand.

The indirect impacts of this action (future requests by the permittee for commercial use of BLM roads and/or construction of new roads on BLM managed lands) may affect listed species and will be subject to the appropriate Implementation Standards and Terms and Conditions as described in the most current Biological Opinion for Right-of-Way Authorizations under programmatic Section 7 consultation.

The trees which must be cut to improve the road for timber hauling were surveyed for red tree vole nests and no nests of any kind were found in the trees.

The cumulative impact to listed species of this action within the watershed is insignificant due to the very small size of the stand.

### ***Soil Resources:***

#### **Affected Environment**

The project areas are primarily underlain by Tyee Sandstone. The road segments lie on gravelly loam and clay loam soil types.

## **Environmental Effects**

Because the roads have already been constructed and are in use, the underlying soils have already been compacted and disturbed. Therefore, no further impacts to soil resources are anticipated by the proposed right of way (ROW) agreements along existing roads.

The road improvement activities will include a short section (200 feet) of cut and fill activities to reduce existing steep road slopes. The design features will adequately protect the soil resource and prevent new erosion from the road surface.

### ***Water Resources:***

#### **Affected Environment**

The project area is drained by Pumphouse Creek, Simpson Creek and South Beaver Creek. The road segment addressed in this proposal does not lie within a municipal watershed. The road segment does follow the Simpson Creek drainage and crosses 4 tributaries of Simpson Creek. No culvert replacements are required for this proposal.

#### **Environmental Effects**

Where the proposed ROW will occur along existing roads which are currently in use, there will be no additional measurable impacts to hydrologic resources. Road traffic levels are not anticipated to increase substantially and road maintenance is expected to continue along these routes.

Ditchlines and cross drains could directly route flow and sediment towards tributary streams, however, implementation of BMP's (ie. vegetating ditchlines) will reduce the risk of the transport of any sediment.

### ***Invasive / Noxious Weeds:***

#### **Affected Environment**

The following noxious weeds are known from within or adjacent the project area, Tansy ragwort (*Senecio jacobaea*), bull and Canadian thistles (*Cirsium vulgare* and *C. arvense*), St. John's wort (*Hypericum perforatum*) and Scot's broom (*Cytisus scoparius*).

All noxious weeds known from within the vicinity of the project area are designated Priority III (established infestations) on the Oregon Department of Agriculture (ODA) noxious weed list. These species are known throughout Western Oregon and tend to occupy areas with newly exposed mineral soil.

#### **Environmental Effects**

All of the noxious weeds species that are known to occur near the project area are common, regionally abundant and are widespread throughout all of western Washington and Oregon and a fully integrated Oregon statewide management plan has not been implemented. The Marys Peak Resource Area has an integrated non-native plant management plan in place for the control of non-native plant species.

Any adverse effects from non-native plant infestations within or near the project area are not anticipated and the risk rating for the long-term establishment of noxious weed species and consequences of adverse effects on this project area is low because; 1) the implementation of the Marys Peak integrated non-native plant management plan allows for early detection and rapid response of invasive non-native plant species, 2) the known noxious weeds in the project area are regionally abundant and control methods are generally limited to bio-control, and 3) this project will move little mineral soil as the project is mostly an existing roadway with small areas that will be re-aligned.

### ***Fisheries:***

#### **Affected Environment**

The affected road is located on a ridge top between Pumphouse Creek and Simpson Creek. Both streams are tributary to Beaver Creek, which is a frontal system to the Pacific Ocean. Essential Fish Habitat for coho salmon is 1/2 mile downstream of Pumphouse Creek and 1 mile downstream of Simpson Creek (in Beaver Creek). There appears to be no stream crossings associated with the road segment on BLM managed lands.

#### **Environmental Effects**

Actions occurring on private property, not associated with federal actions or occurring on federal lands, were not analyzed consistent with BLM Instruction Memorandum (IM-2003-142). The proposed action is highly unlikely to be hydrologically connected to stream channels based on topographic location of the road segment. The topographic relief of the hillside appears to be very mild; therefore, slides are highly unlikely to move large woody debris from the road to downstream habitat. Since the proposed road is on a ridge top and there appear to be no stream crossings it is also highly unlikely that there are any other fish concerns associated with the proposed action.

### ***Fuels/Air Quality:***

#### **Affected Environment**

##### General description of the fuels on site:

The area adjacent to the road to be improved is occupied by stands of 80+ year old Douglas fir and sitka spruce. Understory vegetation is mostly a moderate to heavy growth of sword fern, thimble berry, salmon berry, salal, and vine maple. Dead fuel loading on the ground varies due to scattered blown down trees and snags. Duff ranges between 1/2 to 3 inches, averaging less than 2 inches. Estimates for present fuel loading are: 0-3" fuels range from 2-8 tons per acre, 3-9" fuels range from 7-15 tons per acre, larger fuels over 9 inches in diameter range from less than 15 up to 40 tons per acre. Large snags over 20" diameter are present but scattered on the site, smaller snags are more abundant.

#### **Environmental Effects**

Since the slash created by this operation will be burned or removed from the site there will be no long-term affect on the fuel loading and fire risk. There will only be a short period of less than 6 months when there will be piled fuels along side of the road that could be ignited.

An estimate for the total amount of slash and road clearing debris expected to be piled for burning is 5-8 tons. Burning approximately 8 tons of dry, cured, piled fuels under favorable atmospheric conditions

in the Oregon Coast Range Mountains is not expected to result in any long-term negative effects to air quality. If a temperature inversion develops over the area during the night time hours, smoke may be trapped under the inversion and accumulate resulting in a short-term impact to the local air quality. The accumulated smoke generally clears out by mid-morning as the inversion lifts. Due to the location of this project it is unlikely that inversions will present a problem. Burning of slash will be coordinated with Oregon Department of Forestry in accordance with the Oregon State Smoke Management Plan which serves to coordinate all forest burning activities on a regional scale to prevent cumulative negative impacts to local and regional air sheds.

## Compliance with the Aquatic Conservation Strategy

### *Review of Aquatic Conservation Strategy Compliance:*

The project meets the Aquatic Conservation Strategy in the context of PCFFA IV and PCFFA II [complies with the ACS on the project (site) scale]. The following is an update of how this project complies with the four components of the Aquatic Conservation Strategy. The project will comply with:

**Component 1 – Riparian Reserves:** The proposed action will not affect existing Riparian Reserves.

**Component 2 – Key Watershed:** The Beaver Creek-Waldport Bay Watershed is not a key watershed.

**Component 3 – Watershed Analysis:** Midcoast Watershed Assessment (July 2001).

**Component 4– Watershed Restoration:** Although the proposed action is not a component of the resource area’s watershed restoration program, it will not have an adverse effect on restoration efforts.

### Documentation of the Projects’ Consistency with the Nine Aquatic Conservation Strategy Objectives

**Table 3: Projects’ Consistency with the Nine Aquatic Conservation Strategy Objectives**

Aquatic Conservation Strategy Objectives (ACSOs)	Hull Oakes Lumber Company ROW Amendment Project
1. Maintain and restore the distribution, diversity, and complexity of watershed and landscape-scale features.	Meets the attainment of ACSO 1.
2. Maintain and restore spatial and temporal connectivity within and between watersheds.	Meets the attainment of ACSO 2.
3. Maintain and restore the physical integrity of the aquatic system, including shorelines, banks, and bottom configurations.	Meets the attainment of ACSO 3. Use of the existing road will not adversely affect the physical integrity of the aquatic system.
4. Maintain and restore water quality necessary to support healthy riparian, aquatic, and wetland ecosystems.	Meets the attainment of ACSO 4. No measurable effects to water quality will be anticipated from the proposed action. Use of existing road with the implementation of Best Management Practices will minimize adverse effects to water quality. No activities on BLM managed land will take place directly in or adjacent to stream channels.
5. Maintain and restore the sediment	Meets the attainment of ACSO 5.

Aquatic Conservation Strategy Objectives (ACSOs)	Hull Oakes Lumber Company ROW Amendment Project
regime under which aquatic ecosystems evolved.	
6. Maintain and restore in-stream flows sufficient to create and sustain riparian, aquatic, and wetland habitats and to retain patterns of sediment, nutrient, and wood routing.	Meets the attainment of ACSO 6. The proposed action will not alter instream flows.
7. Maintain and restore the timing, variability, and duration of floodplain inundation and water table elevation in meadows and wetlands.	Meets the attainment of ACSO 7. Use of existing road will not affect groundwater levels and floodplain inundation rates.
8. Maintain and restore the species composition and structural diversity of plant communities in riparian areas and wetlands.	Meets the attainment of ACSO 8.
9. Maintain and restore habitat to support well-distributed populations of native plant, invertebrate and vertebrate riparian-dependent species.	Meets the attainment of ACSO 9. Riparian dependent species will not be affected.

### Interdisciplinary Team:

**Table 4: Interdisciplinary Team Review**

Affected Resource	Specialist	Initial	Date
Botany/Vegetation	Ron Exeter		
Cultural Resources	Dave Calver		
Fire Hazard/Risk	Tom Tomczyk	TST	12-18-07
Fisheries	Scott Snedaker	SNL	12/18/07
Hydrology/Water Quality/Soils	Steve Wegner	SWW	12-18-07
Recreation, Visual and Rural Interface Resources	Traci Meredith	Tmm	12-18-07
Wildlife	Gary Licata	gal	12/18/07

EA Prepared By:

*Russell Buzwell*

Date: 12/18/07

EA Reviewed By:

*Gary L. Licata*  
NEPA

Date: 12/18/07



## FINDING OF NO SIGNIFICANT IMPACT and DECISION RECORD

Based upon my review of this EA (Environmental Assessment Number OR-080-08-02), I have determined that the proposed action is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27.

There are no significant impacts not already adequately analyzed, or no significant impacts beyond those already analyzed, in the *Salem District Proposed Resource Management Plan/Final Environmental Impact Statement*, September 1994 (RMP/FEIS) to which this environmental assessment is tiered. Therefore, supplemental or additional information to the analysis in the RMP/FEIS in the form of a new environmental impact statement is not needed.

**Right to Appeal:** This decision may be appealed to the Interior Board of Land Appeals in accordance with the regulations contained in 43 Code of Federal Regulations (CFR), Part 4 and Form 1842-1. Form 1842-1 can be obtained from the Salem District.

**If you appeal:** A public notice for this decision is scheduled to appear in the *Newport News Times* newspaper on December 26, 2007. Within 15 days of this notification, a *Notice of Appeal* must be filed in writing to the office which issued this decision – Trish Wilson, Marys Peak Field Manager, Bureau of Land Management, 1717 Fabry Road SE, Salem, OR, 97306 (43 CFR 4.411 and 4.413). A copy of the *Notice of Appeal* must also be sent to the BLM Regional Solicitor (see Form 1842-1). The appellant has the burden of showing that the decision appealed from is in error.

The decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice Of Appeal* (43 CFR 4.21 or 43 CFR 2804.1). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

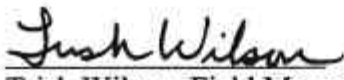
**Standards for Obtaining a Stay:** Except as other provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

**Statement of Reasons:** Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the Notice of Appeal, no additional statement is necessary (43 CFR 4.412 and 4.413).

**Implementation Date:** If no appeals are filed, this decision will become effective and be implemented 15 days after the public notice of this Decision Record appears in the *Newport News Times* newspaper.

**Contact Person:** For additional information concerning this decision or the appeal process, contact Gary Humbard at (503) 315-5981, Marys Peak Resource Area, Salem District, 1717 Fabry Road, Salem, Oregon 97306.

**Authorized Official:**   
Trish Wilson, Field Manager  
Marys Peak Resource Area

Date: 12/19/07